

HOUSE BILL No. 1007

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.3.

Synopsis: Domestic battery. Increases the penalties for domestic battery. Makes a technical correction.

Effective: July 1, 2010.

Duncan, Lawson L

January 5, 2010, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1007

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-1.3, AS AMENDED BY P.L.129-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 1.3. (a) A person who knowingly or intentionally
4 touches an individual who:

5 (1) is or was a spouse of the other person;

6 (2) is or was living as if a spouse of the other person as provided
7 in subsection (c); or

8 (3) has a child in common with the other person;

9 in a rude, insolent, or angry manner that results in bodily injury to the
10 person described in subdivision (1), (2), or (3) commits domestic
11 battery, a ~~Class A misdemeanor~~: **Class D felony**.

12 (b) However, the offense under subsection (a) is a ~~Class D~~ **Class C**
13 felony if the person who committed the offense:

14 (1) has a previous, unrelated conviction:

15 (A) under this section; ~~(or IC 35-42-2-1(a)(2)(E) before its~~
16 ~~repeal~~); or

17 (B) in any other jurisdiction, including a military court, in

C
o
p
y



1 which the elements of the crime for which the conviction was
 2 entered are substantially similar to the elements described in
 3 this section; or

4 (2) committed the offense in the physical presence of a child less
 5 than sixteen (16) years of age, knowing that the child was present
 6 and might be able to see or hear the offense.

7 (c) In considering whether a person is or was living as a spouse of
 8 another individual in subsection (a)(2), the court shall review the
 9 following:

- 10 (1) The duration of the relationship.
- 11 (2) The frequency of contact.
- 12 (3) The financial interdependence.
- 13 (4) Whether the two (2) individuals are raising children together.
- 14 (5) Whether the two (2) individuals have engaged in tasks
- 15 directed toward maintaining a common household. ~~and~~
- 16 (6) Other factors the court considers relevant.

C
O
P
Y

